VF (C.B.)
Ontario Human Rights Commission

Sexual harassment and other comments or actions about a person's sex

This publication tells you what to do if someone sexually harasses you

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Ontario
Human Rights
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This publication does not provide legal advice or opinions. If you have any questions, you should contact the Ontario Human Rights Commission. The addresses and telephone numbers of our 15 offices are on page 11.

Sexual Harassment and Other Comments or Actions about a Person's Sex is available in different versions including:

- IBM-compatible computer disk
- audio tape
- large print
- spiral binding

What Is Sexual Harassment?

Sexual harassment means someone is bothering you by saying or doing unwanted or unwelcome things of a sexual nature.

Maybe the person:

- makes sexual remarks
- touches you
- makes jokes about women or homosexual men
- makes sexual requests or suggestions
- stares at or makes comments about your body
- displays pictures of nude people or writes insults on walls.

Sexual harassment also means someone is bothering you because of your sex or gender. This kind of harassment does not have to be sexual. It can happen just because you are a man or a woman.

> For example, your boss always compliments your appearance during formal business meetings. This may set you apart as different and may make you appear less professional.

Sexual harassment and other forms of harassment based on gender or sex happen mostly to women, but they can also happen to men. These types of harassment can happen between members of the same or opposite sex.

Sexual harassment and other forms of harassment based on gender or sex are wrong because they hurt people and make them uncomfortable. These kinds of harassment make living and working together very difficult. **And they are against the law in Ontario.**

The *Ontario Human Rights Code* protects you from sexual harassment and other forms of harassment based on gender:

- at work
- in housing
- in unions
- in trade or vocational associations
- in contracts

and in the places that offer the services you use, such as restaurants, hotels and hospitals.

If you feel you have been sexually harassed by:

- your employer
- another worker
- your landlord
- someone working for your landlord
- another person living in your building
- someone giving you a service, such as a teacher, union representative or director of a community centre,

you should try to tell that person to stop. Speak to the person's boss or tell your union representative if it happens at work. Or you can complain directly to the Ontario Human Rights Commission.

The *Ontario Human Rights Code* identifies three kinds of sexual harassment:

1. when someone says or does things to you of a sexual nature and you do not want or welcome them. This includes behaviour that a person **should know** you do not want or welcome.

   For example, your supervisor makes you feel uncomfortable by talking about sex all the time.
   Or your hockey coach, or driving instructor touches you and makes you feel uncomfortable. Or a person living in your apartment building makes sexual jokes you do not welcome.

   When you show that you do not welcome or want the remarks or actions, the *Human Rights Code* says that the person must stop doing those things right away.

2. when a person having the authority or power to deny you something like a promotion or a raise makes sexual suggestions or requests that you do not want or welcome.

   For example, your teacher, landlord, boss or social worker asks you for a kiss when he or she knows or should know you are not interested. Or, another worker who is responsible for training you, keeps telling you how good-looking you are.

   Even if you do not complain about a sexual suggestion or request, it can still be sexual harassment unless it is clear that you welcome or want it.

3. when a person having the authority or the power to deny you something important punishes you or threatens to do something to you for refusing a sexual request.

> For example, your employer fires you (or threatens to fire you) because you refuse to go on a date. Or your teacher gives you a bad grade because you refuse to have sex with him or her.

The *Code* also protects you from harassment because of your sex.

This type of harassment could happen when someone makes sexual comments about women or men in general. Sometimes the comments do not have to be of a sexual nature. Even if the comments or actions are not aimed directly at you, it is still a type of harassment.

> For example, you hear your employer or landlord making sexual remarks about women in general. Or someone teases another worker all the time because she does not behave in a "feminine" way.

You and other workers would probably feel uncomfortable about living or working in that place.

Remember that the person harassing you is wrong. It is that person's behaviour that must change, not yours.

What is a Poisoned Environment?

Sexual harassment or other forms of harassment because of a person's sex, can have a bad effect on, or **poison** the places where you live, work or get a service.

> Someone may display sexually offensive signs, pictures or cartoons in your workplace, apartment building or the public library. Or they might write insults on the walls. You might find it unpleasant to work or live in that place, or to use that service.

Sexual remarks or actions, even when they are not directed towards you or a specific employee, client or tenant, can **poison** the environment.

> For example, the owner of a restaurant or a teacher makes sexual or hurtful remarks or jokes about women. Even if those remarks are not aimed directly at you or at a specific woman, they are still a type of discrimination and can **poison** the environment.

Also the effect of a negative comment or action on an individual, rather than the number of times it has occurred, determines if the environment is **poisoned**.

> For example, a union member makes a single remark that women would not be good representatives. Such a remark can **poison** the work environment.

Preventing Sexual Harassment and Other Forms of Harassment Based on Sex

People in authority, as well as companies and unions, have a responsibility to prevent sexual harassment or harassment based on gender or sex.

If the person harassing you is your supervisor or boss, your company could also be responsible. If another tenant or worker harasses you, your landlord or boss may also be responsible. If the person in authority knew or should have known about the sexual harassment and could have stopped it, then that person may be responsible.

Employers, landlords and other people in authority can do many things to prevent sexual harassment. They can:

- develop an easy-to-understand policy on sexual harassment and other forms of harassment based on sex, and post it in places for everyone to see. They should give a copy of the policy to all new employees and new managers;
- use company or tenant newsletters to make everyone aware of the policy on sexual harassment;
- post *Ontario Human Rights Code* cards;
- meet with managers and supervisors to discuss sexual harassment and how to stop it;

- meet with employees to discuss the company policy on sexual harassment and other forms of harassment based on sex, and how to make a complaint;

- work with unions to educate union officers, shop stewards and members about sexual harassment and what to do when it happens;

- discuss sexual harassment at union or tenant meetings;

- take a strong position by indicating to all employees, tenants, members or service users that sexual harassment and other forms of harassment based on sex will not be tolerated;

- indicate that they will discipline anyone who sexually harasses or discriminates against another person because of her or his sex.

What Can You Do If You Are Sexually Harassed?

- If possible, tell the person harassing you to stop. You can say:

  - "I don't want you to do that."
  - "Stop bothering me."
  - "That's not funny."
  - "Stop doing that."

Sometimes it is not possible, or you may be afraid, to tell the person to stop. The Human Rights Commission would not interpret your silence as proof that the harassment did not occur.

- If another worker, tenant or client harasses you, complain to your supervisor, landlord or service provider.

- If your supervisor harasses you, complain to someone in a higher position than your supervisor, such as a manager or the owner.

- If you are a member of a union, tell your steward or representative.

- Find out if your employer has a policy for dealing with harassment complaints and use it.

- If the person does not stop harassing you, complain to the Ontario Human Rights Commission.

- If someone such as your employer, landlord, teacher or a store owner harasses you and you do not know where to get help, contact the Human Rights Commission.

- Write down the answers to the following questions:

  - "What happened?"
  - "When did it happen?"
  - "Where did it happen?"
  - "Who saw what happened?"
  - "What did you do at that time?"

It is a good idea to complain in writing. Include all details and ask for a written response. Keep a copy of your complaint and any responses you get.

How Do You Make a Complaint to the Human Rights Commission?

It is against the law for people in authority such as your employer, landlord or teacher to punish or harass you for making a complaint to the Human Rights Commission. They cannot harass you for being a witness for someone else with a problem, or for helping the Commission investigate a problem.

> For example, your boss cannot legally fire you because you make a complaint. Or your landlord cannot legally refuse to fix your apartment if you help another person make a complaint to the Commission.

The complaint

You should make a complaint about sexual harassment or harassment based on sex within six months of when it happened.

You can make your complaint at any office of the Ontario Human Rights Commission. Telephone or visit our office, and tell us what happened.

A complaint to the Commission is confidential. This information is not available to the public. However, the Commission will send a copy of your complaint to the person you complained about. As well, if your complaint goes to a Board of Inquiry, it may be made public.

We will investigate your complaint and try to settle it. For more information about filing a complaint, get a copy of our publication, *If you have a Human Rights Complaint.*

Where Can You Get Help and More Information?

The Ontario Human Rights Commission has offices in 15 cities in Ontario. To get help or more information, call or visit one of these offices from Monday to Friday. The addresses and telephone numbers of our offices are on the next page.

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400 University Avenue, 12th Floor, Toronto, Ontario M7A 2R9
Telephone: (416) 314-4500 TDD: (416) 314-4535

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